IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 754 of 2006 (M/B)

Santosh Kumar S/o Late Sri S.P. Mamgain,
R/o Kanti Bhawan, Shiv Vihar,
Post Office Srinagar,
District Pauri Garhwal. ..... Petitioner

Versus

1. State of Uttaranchal,
through Chief Secretary,
Uttaranchal, Dehradun.
2. The Hon'ble Chancellor,
HNB Garhwal University,
Raj Bhawan, Dehradun.
3. HNB Garhwal University
Srinagar (Garhwal),
Through its Registrar.
4. Vice-Chancellor,
HNB Garhwal University,
Srinagar (Garhwal). ..... Respondents

Mr. Santosh Kumar, petitioner in person.
Mr. U.P.S. Negi, Addl. Advocate General for respondent No. 1.
None for respondent No. 2.
Mr. L.P. Naithani, Senior Counsel with Mr. J.P. Joshi, Advocate for the respondents Nos. 3 and 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Santosh Kumar, in person.

Mr. U.P.S. Negi, Addl. Advocate General for respondent No. 1.

None for respondent No. 2.

Mr. L.P. Naithani, Senior Counsel with Mr. J.P. Joshi, Advocate for the respondents Nos. 3 and 4.

The are heard.

2. Petitioner Santosh Kumar has filed this writ petition styled as 'Public Interest Litigation' for the following reliefs:

"i. Issue a writ order or direction in the nature of Mandamus commanding for getting enquired the entire financial irregularities, prolonged irregularities raised by audit authorities to recover out standing public money **Rs. 1,62,46,424.00 (Rupees one caror sixty two lakh forty six thousand four hundred twenty four only** by high level agency like Central Bureau of Investigation and further direct the said agency to submit its report before this Hon'ble Court within stipulated period and, thereafter, accordingly pass an appropriate order of direction into the matter.

ii. Issue a writ order or direction in the nature of Mandamus commanding Respondent No. 4 to fix the liability and register first information report against the person responsible for financial embezzlement.

iii. Pass any other and further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

iv. Award the cost of writ petition to the petitioner."

3. Mr. L.P. Naithani, the learned Senior Counsel raised a preliminary objection about the maintainability of the writ petition on the ground that petitioner Santosh Kumar had filed earlier also a writ petition for the same reliefs, which came to be numbered as Writ Petition No. 355 of 2005 (M/B) and was finally decided vide judgment dated 02.05.2005 and as such, the present writ petition for the same reliefs is not maintainable.

4. Petitioner Santosh Kumar, faced with the above situation, submitted that as the directions contained in the judgment dated 02.05.2005 have not been complied with, the petitioner has filed this second writ petition with additional facts.

5. If the directions contained in the judgment dated 02.05.2005 have not been complied with by the respondents, the petitioner's remedy lies in filing a contempt petition. During the course of hearing, the petitioner disclosed that in fact such a contempt petition has already been filed.

6. As second writ petition for the same reliefs is not maintainable, this writ petition is liable to be dismissed and is, hereby, dismissed summarily.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
28.06.2006 28.06.2006

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